

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on August 23, 2021, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Therol Brown, Chairman  
John Tate, Vice-Chair  
Tom Waller  
Marsha Hopkins

**STAFF PRESENT:** Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning & Zoning Coordinator

**STAFF ABSENT:** Pete Frisina, Director, Community Services

1. Consideration of the Minutes of the Meeting held on July 26, 2021.

*Marsha Hopkins made a motion to approve the minutes of the meeting held on July 26, 2021. John Tate seconded the motion. The motion passed 4-0.*

### **PUBLIC HEARING**

2. **Petition No. A-768-21, Michael S. & Keleigh P. Paino, Owners, and Randy M. Boyd, RLS, Agent, have requested to withdraw this petition. The subject property is located in Land Lot 137 of the 5<sup>th</sup> District and fronts on Highway 54 East and Callaway Road.**

Chairman Brown announced the petitioner has requested that the petition be withdrawn. He said can I hear a motion to withdraw the petition.

*Tom Waller made a motion to withdraw Petition No. A-768-21 per the petitioner's request. John Tate seconded the motion. The motion passed 4-0.*

3. **Petition No. A-772-21, Eric & Cheryl Hoffler, Owners, request the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 25 feet to 20 feet to allow an existing shed to remain. The subject property is located in Land Lot(s) 76 & 77 of the 7<sup>th</sup> District and fronts on Swanson Road.**

Eric Hoffler said we have a shed / tool barn which I am unsure how long it has been there but we have been in the house 20 years. He added recently we filed a permit to build a deck and the aerial pictures showed the barn too close to the property line according to the zoning. He noted we have been in this house 20 years and during that time we have made three (3) other improvements on the house, all of which required permits but nobody ever mentioned the barn was too close to the property line. He explained it is a wooden barn built on concrete pillars. if we move it, it would probably destroy it. He said I have two (2) photos which I took this afternoon if

you want to see it. He concluded, I am just asking for a variance to allow the barn to stay where it has been.

Chairman Brown asked Eric Hoffler do you want to proceed with just four (4) members here instead of five (5)? Eric Hoffler replied, yes.

Chairman Brown asked is there anyone in the audience that would like to speak in support of this petition? Hearing none, he then asked is there anyone that would like to speak in opposition of this petition? Hearing none, he asked if there are any questions or comments from members of the Zoning Board of Appeals.

Tom Waller asked have you spoken to the realty company that sold you this property about this issue?

Eric Hoffler replied I have not. He added I bought it from an individual in 2000 and I have no idea where he is.

Chairman Brown said that he will entertain a motion.

*Marsha Hopkins made a motion to approve Petition No. A-772-21 to reduce the side yard setback from 25 feet to 20 feet to allow an existing shed to remain. John Tate seconded the motion. The motion passed 4-0.*

- 4. Petition No. A-773-21, Jonathan Paul Campagna & Rebecca Jean Ruthberg-Campagna, Owners, request the following: Variance to Sec. 110-79. Accessory structures and uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lot 21 of the 7<sup>th</sup> District and fronts on Eastin Road.**

John Campagna said good evening, we are seeking approval of a variance to have vertical siding on an accessory structure (pole barn) as opposed to the horizontal.

Chairman Brown said I hate to interrupt you but do you wish to proceed with a four (4) members instead of waiting for five (5) ZBA members?

John Campagna replies yes, that will be fine.

John Campagna said we have a picture of the site, pictures of what we are trying to do and the type of construction of the building and why this variance is necessary in our particular case. He added if you have any questions we will be happy to answer them.

Chairman Brown asked did you say that you have a picture of the building?

John Campagna replied yes sir, I do have to revise it but I do have them if you need to see them.

Chairman Brown said that is not a problem we can pass around this copy.

John Campagna responded just to give some context the type of building that we are making here has posts that are 12-foot on center. He explained we are trying to do this construction design, because it's more prudent to have that vertical type siding because it requires a lot less sub-structure to put it up. He added because we are to use this as a horse stable, it is a lot safer for the animals since there will be less things for them to kick though and less for them to chew on. He concluded it also helps to reduce termites because it is a lot less wood, so that is somewhat of the background on that.

Rebecca Jean Ruthberg-Campagna said for the safety of the animals, it is better to have it designed this way. She added that horses tend to chew on wood a lot and they can ingest it, destroy it, and they can reduce the structural rigidity. She concluded that we prefer to do it this way.

Chairman Brown asked is there anyone in the audience that would like to speak in support of this petition? Being none, he then asked is there anyone that would like to speak in opposition of this petition? Hearing none, he asked if there are any questions or comments from member of the Zoning Board of Appeals.

John Tate asked is this your structure in the photo is proposed or is it an example?

John Campagna replied it is an example of other work that the builder has done. He added the goal of this picture was to show the way the inside skeleton framing is made and to show what the vertical siding would look like on a structure in this instance.

Chairman Brown said if there are no further comments, I can entertain a motion.

***Marsha Hopkins made a motion to recommend approval of Petition A-773-21 to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. John Tate seconded the motion. The motion passed 4-0.***

- 5. Petition No. A-774-21, Chozy Aiyub, Owner, and Steven Gutierrez, Agent, request the following: Variance to Sec. 110-125. A-R (d) (6), to reduce the side yard setback from 50 feet to 28 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot(s) 74 & 87 of the 5<sup>th</sup> District and fronts on South Jeff Davis Drive.**

Chairman Brown asked if Mr. Aiyub or Mr. Gutierrez were present.

Chanelle Blaine said she would contact the petitioners by phone. She announced that the

petitioner did not answer the phone.

Chairman Brown announced that the petition should be tabled. He added that he would entertain a motion to table the petition.

***John Tate made a motion to table Petition No. A-774-21 until the September 27, 2021 meeting due to the absence of petitioner. Marsha Hopkins seconded the motion. The motion passed 3-1. Tom Waller voted in opposition.***

- 6. Petition No. A-775-21, Glenn & Gregory Pryor, Owners, request the following: Variance to Sec. 110-137.R-40 (d) (6), to reduce the side yard setback from 15 feet to 13 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 250 of the 13<sup>th</sup> District and fronts on State Highway 279.**

Gregory Pryor said good evening.

Chairman Brown asked do you want to proceed with just four (4) members?

Gregory Pryor replied yes, I do.

Gregory Pryor said the building was constructed about 19 or 20 years ago, prior to me meeting my wife and the contractor putting building up. He explained the contractor that put up the building, put it on the wrong side of the slab. He noted if he had put it on the right side of the slab it would have meet code. He added so I am asking to allow the building to remain where it is. He concluded I didn't think to bring any pictures, but I do have pictures on my phone if you would like to see them.

Chairman Brown said he was unable to hear.

Chanelle Blaine responded Mr. Pryor has a picture on his phone, if you want to see it.

Chairman Brown replied we can tell from the site plan is four (4) or five (5) feet, I think.

Gregory Pryor responded no, it actually a foot and a half beyond the setback.

Chairman Brown clarified that is has been there 20 years.

Gregory Pryor replied it has been there at least 19 years.

Chairman Brown asked is there anyone in the audience that would like to speak in support of this petition? Being none, he then asked is there anyone that would like to speak in opposition of this petition? Being none, he asked if there are any questions or comments from member of the ZBA.

Chairman Brown asked how did you discover this issue?

Gregory Pryor responded I was looking to add a house addition for an in-law suite.

Chairman Brown asked was it during the permitting process?

Gregory Pryor replied I found out from having a survey done, it was a foot over the setback.

Chairman Brown asked are there any comments or questions from other members of the ZBA?

Chairman Brown said he can entertain a motion.

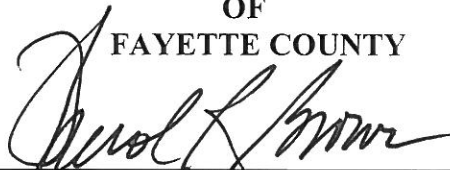
***Tom Waller made a motion to approve Petition No. A-775-21 to reduce the side yard setback from 15 feet to 30 feet to allow an existing residential accessory to remain. John Tate seconded the motion. The motion passed 4-0.***

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Chairman Brown said if there is no further items on the agenda, I will entertain motion to adjourn.


Marsha Hopkins made a motion to adjourn. John Tate seconded the motion. The motion passed 4-0.

The meeting adjourned at 7:26 pm.

ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY



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THEROL BROWN, CHAIRMAN

  
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HOWARD L. JOHNSON, ZBA SECRETARY